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LETTER DATED 24 MARCH 1999 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a statement made by Tekeda Alemu, Vice Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, on 22 March 1999, to the members of the Security Council, under the Arria Formula, on the conflict between Ethiopia and Eritrea (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

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Annex

Statement made on 22 March 1999 by the Vice Minister for Foreign Affairs of Ethiopia to the members of the Security Council, under the Arria Formula, on the conflict between Ethiopia and Eritrea

First of all I wish to thank you, Mr. Chairman, for making this meeting possible and for the opportunity given to me to address you on a crisis that has been a source of concern for the Security Council over the past nine months - a crisis which was imposed on Ethiopia by Eritrea.

Today I am standing before you - an official of a country that has been a victim of aggression - a country which, after an aggression was committed against it, made for nine months all the necessary effort, despite the frustrations, the humiliation and the lack of seriousness on the part of the aggressor country, to contribute to the peaceful resolution of the crisis.

I would like to walk you, very swiftly, through the various difficult stages we have had to pass through to get where we are today in the crisis between Ethiopia and Eritrea. You would see how much effort we have made for peace and to avert a full-scale war between Ethiopia and Eritrea and how, on the other hand, Eritrea, during this same period, had closed all doors to peace and how arrogance, intransigence and hubris epitomized the Eritrean approach to the various opportunities made available for both of us to resolve the problem peacefully. I am sure you will agree with me that it would, indeed, be very difficult to find in recent history a country which has been a victim of aggression and whose territory has been forcibly occupied by a foreign power but which nonetheless opted for a peaceful resolution to the crisis, as Ethiopia had for such a long time when it could legitimately have exercised its right of self-defence right at the outset of the aggression.

It is probably overlooked by some that during the initial period of the crisis when word came to Addis Ababa that the Eritreans were engaged in troop build-up along the common border and had begun to move in big numbers across the border into Ethiopia, our first reaction was to try to defuse the crisis bilaterally and in face-to-face discussions with the Eritreans. All the more so because the troop build-up which I just referred to came immediately following the return to Asmara from Addis Ababa of an Eritrean delegation, led by its Defence Minister, which was in Addis Ababa precisely to discuss issues relating to our common borders within the framework of a Joint Commission which we had earlier agreed to establish. The Joint Commission had agreed to meet again in two months. It was therefore incomprehensible for Ethiopia why the Eritreans were engaging in troop reinforcements and in sending into Ethiopia their army units.

Our Prime Minister could get no help from the Eritrean President because he was nowhere to be found before the actual onset of the aggression. Our Prime Minister had to deal with their lower officials than their President. Then came the major offensive by Eritrea on 12 May 1998. Even then, we did not give up on the possibilities for handling the crisis within a bilateral framework. Accordingly, our Prime Minister again tried to reach the Eritrean President.

But to no avail. Having given the order for attacking and invading Ethiopia, the Eritrean President had left for an official visit to a neighbouring country. The reply from Asmara was that he could not be reached.

Thus, the chances for bilateral efforts to avert the crisis from escalating were lost, deliberately on the part of Eritreans and for no lack of effort, to the point of desperation, on the part of Ethiopia.

It was at this point that it became necessary for our Government to inform the Ethiopian people and our parliament. This also coincided with approaches made to the two parties by mutual friends to help resolve the crisis. Upon the mutual consent of both Ethiopia and Eritrea, the United States and Rwanda made their good offices available, eventually coming up with a peace proposal which demanded, among other things, Eritrean withdrawal from occupied Ethiopian territories and the restoration of the Ethiopian administration dismantled by the occupying forces. Eritrea rejected this peace plan, and going beyond the rejection of the peace proposal, went into a name-calling campaign to discredit the facilitators. The United States-Rwandan peace proposal thus floundered as a result of Eritrean intransigence. As the Eritreans were rejecting this first peace initiative they were also making it known that they would be more comfortable with the Organization of African Unity (OAU) taking over the responsibility.

But when the OAU summit, on 10 June 1998, adopted a resolution endorsing the call, contained in the United States-Rwandan proposal, on Eritrea to withdraw from occupied Ethiopian territories, Eritrea, again, not surprisingly rejected that specific call and agreed only to part of the resolution which provided for the setting up of an OAU High-level Delegation of Heads of State. Ethiopia did not insist on the implementation of the OAU summit resolution in its entirety. We agreed to start from scratch, as the High-level Delegation did subsequently - which encompassed the establishment of an expert body at ambassadorial level to verify who had administered Badme before 6 May 1998. This was made necessary because of the insistence by the Eritrean President at a meeting with the heads of State of the High-level Delegation that Badme was Eritrean and that they should not be asked to vacate their own sovereign territory.

It was not easy for Ethiopia to agree to a proposal by the OAU Heads of State for an investigation into whether a part of our country which had been forcibly occupied was really ours. But insofar as we were determined to avert war, we had no other choice. And the respect we have for OAU made it necessary for us, though painful, to accept the proposal on the carrying out of an investigation into who had administered Badme before 6 May 1998.

The result of the OAU investigation was unambiguous and the documentary evidence put at the disposal of OAU by Ethiopia could have led to no other conclusion but that the area was under Ethiopian administration.

It was on the basis of that finding at an expert level that finally the OAU High-level Delegation put on the table its peace proposal, widely known as the Framework Agreement, at its meeting on 7 and 8 November 1998 in Ouagadougou. The Eritreans knew prior to this meeting about the OAU conclusion and its

findings because the result of the work of the Ambassadorial Committee had already been presented to the two parties in August at a meeting at ministerial level. Accordingly, there was no stone left unturned by Eritrea, between August and November, to discredit the OAU Secretary-General and some members of the High-level Delegation, most particularly Djibouti, and all these designed to wreck the peace process. But Eritrea did not succeed. The OAU Framework Agreement was thus put on the table on 8 November 1998. Ethiopia accepted the peace proposal immediately but Eritrea could not even acknowledge the existence of a peace proposal, proceeding to call the peace plan talking points until the December summit of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, which endorsed the Framework Agreement.

Subsequent weeks, following the December summit of the OAU Central Organ, were dominated by talks about the clarifications demanded by Eritrea from OAU - clarifications which consisted of over 30 questions, including a query on the mandate of the Central Organ and the geographical location of Badme.

It was absolutely clear that the Eritrean authorities were not willing to withdraw from Badme and other occupied Ethiopian territories. For Ethiopia it was very obvious that the Eritrean President's unavailability for discussion at the beginning of the crisis, the fig leaf used to reject the United States-Rwandan proposal, the insistence to the OAU High-level Delegation that the occupied territories belonged to Eritrea and when this was clarified the request that OAU provide clarifications and the insults hurled at various facilitators throughout this crisis were all part of a larger Eritrean scheme linked to its refusal to withdraw from occupied Ethiopian land.

Ethiopia had been consistent in its position in the course of this crisis. Most of all, it has been extremely consistent regarding two things - its full commitment to a peaceful resolution of the crisis and to the principled demand that aggression not be rewarded and accordingly that negotiations to resolve the border dispute between the two countries must commence only following Eritrean withdrawal from occupied Ethiopian territory. Ethiopia accepted both the United States-Rwandan peace proposal and the OAU Framework Agreement precisely because both did not provide for aggression to be rewarded. The OAU Framework in particular has left no ambiguities in this regard. Paragraph 3 of the proposal makes it abundantly clear that the withdrawal of Eritrean forces from occupied Ethiopian territory is essential "in order to create conditions conducive to a comprehensive and lasting settlement of the conflict through the delimitation and demarcation of the border". Nor has the clarification given to our Prime Minister in November last year before Ethiopia's acceptance of the Framework left any doubt in this regard. The OAU Framework Agreement is thus based on a clear and unambiguous understanding of the position that Eritrea's withdrawal from occupied Ethiopian territories is a <u>sine qua non</u> for a comprehensive and lasting settlement of the conflict through subsequent delimitation and demarcation of the border.

Obviously, since the Eritrean occupying troops were driven out of Badme and their purported acceptance of the Framework Agreement following that defeat, the Eritrean authorities have managed to create some confusion over what the OAU

and that what they were requested by OAU was to withdraw only from part of the occupied Ethiopian territories. This makes no sense either legally or logically.

But this only shows that the Eritrean "acceptance" of the Framework Agreement was bogus and tactical, designed to buy time. It would indeed be sad if the Security Council proceeded to create the impression that what took place in Badme between 23 and 26 February 1999 was in compliance with what is provided for by the OAU Framework Agreement. What took place was the routing of the Eritrean army at great sacrifice on the part of those Ethiopian patriots who fought for their honour and dignity against an aggressor who had earlier refused for nine months to leave Ethiopian territory.

There is no doubt many lives would have been saved, and it would have been possible to avoid the destruction of so much property, including Badme, which is now a ghost town, if Eritrea had agreed to give peace a chance. But it did not. Even after Badme there has not been an iota of change in the Eritrean position. Steps designed to reinforce Eritrean fortifications in still occupied Ethiopian territories continue to be speeded up. New recruitment of troops is being carried on even with faster tempo.

Under these circumstances, and given the Eritrean continuing refusal to withdraw from the rest of occupied Ethiopian territory, the conclusion is inescapable that Eritrea's so-called acceptance of the Framework Agreement is insincere and in no way reflects Eritrea's commitment to peace.

The letter from the President of Eritrea, dated 27 February 1999, addressed to the President of the Security Council [S/1999/215, annex], although welcomed and viewed by the Security Council and by some others in the international community as an acceptance of the OAU Framework Agreement, did not, thus, suggest any change of attitude on the part of the Eritrean Government, when it comes to the underlying issue of Eritrean withdrawal, which is the core element of the OAU Framework Agreement. On the contrary, it has now become clear beyond any doubt that Eritrea is hopelessly using its professed acceptance of the OAU Framework Agreement to create more confusion, by trying to hoodwink the international community into believing that its eviction by force from the Badme region of Ethiopia should relieve it from the non-negotiable obligation to withdraw from the remaining Ethiopian territories that are still under Eritrean illegal occupation.

The position of the Ethiopian Government on the cause of the conflict with Eritrea and on the conditions for its resolution has been consistent, and remains so. The conflict between Ethiopia and Eritrea is caused by the Eritrean aggression against Ethiopia and by the consequent Eritrean occupation of Ethiopian territories. As such the conflict can be peacefully resolved only with the unconditional and immediate withdrawal from the Ethiopian territories Eritrea occupied since 6 May 1998.

Under the circumstances, it is self-evident that the Security Council, as the principal organ of the United Nations entrusted with the primary

[illegible] the act of aggression by Eritrea and take the appropriate measures

against the aggressor State, Eritrea, provided for under the Charter of the United Nations.

Regrettably, however, I must submit that the Council's stand on this particular matter leaves much to be desired. In this regard, I wish to draw the attention of distinguished members of the Council to the letter from my Prime Minister addressed to the President of the Security Council on 6 March 1999 [S/1999/246, annex], in which he conveyed the sadness and deeply felt frustration of the Ethiopian people and that of his own at the treatment that Ethiopia, a victim of aggression, has received from the Security Council over the past few months.

The continued crisis between Ethiopia and Eritrea should be viewed in the light of the foregoing. In this connection, Ethiopia's legitimate right of self defence cannot be denied. Under these circumstances the call for a ceasefire by the Security Council without at the same time demanding the withdrawal by Eritrea from the remaining occupied Ethiopian territories is not only unjust but is also tantamount to denying Ethiopia its legitimate right of self-defence. It is in this light that Ethiopia's frustration should be viewed and the deep disappointment of its people understood. But still Ethiopia hopes that justice will prevail and the aggressors will not be rewarded.

Thus, while once again confirming Ethiopia's commitment to the full implementation of the OAU Framework Agreement, I wish also to take this opportunity to reiterate to the distinguished members of the Security Council the request and plea by my Prime Minister, in his letter addressed to the President of the Security Council, namely:

1. To condemn the Eritrean aggression against Ethiopia;

2. To call on Eritrea to withdraw its forces immediately and unconditionally from all remaining occupied Ethiopian territories;

3. To affirm what is clear and obvious, that Eritrea bears full responsibility for the loss of lives, for the humanitarian crisis and for the destruction of property caused by its aggression.

I should like to conclude with one or two remarks on this crisis. Until May last year, Ethiopia had one of the lowest expenditures on defence in the world, which comprised only 2 per cent of our GDP. We thought we had only one enemy - poverty. That was the battle we wanted to wage. Little did we know that our very manifest commitment to peace would make us, in the eyes of those guided by the philosophy that might makes right, vulnerable to blackmail.

Eritrea never thought that a country that has consciously avoided military build-up would have the capacity to withstand Eritrea's military onslaught. There is no delegation that has visited Eritrea over the past nine months that has not been told by the Eritrean authorities that Ethiopia had no capability to exercise its right of self-defence. Ethiopia, the Eritrean President said, was making much noise like an "empty kettle". What Eritrea continued to exhibit was a mind-boggling arrogance towards a country which it had invaded without

insisted that Eritrea should withdraw from Badme, Eritrea made fun of the request by saying in the words of its President, "Where on earth is exactly Badme? It is on the moon, the sky or in the heavens?" Six days prior to the Eritrean defeat in Badme, Eritrea was telling the European Union Troika that OAU had no monopoly over the peace process and Eritrea had no obligation to accept the Framework Agreement. This is the experience we have had with Eritrea. We have no illusion that Eritrea will withdraw from the rest of occupied Ethiopian territories unless it is compelled to do so. The Security Council has so far taken no steps in this regard. The call for a ceasefire is seen by Eritrea as a reward and as a step that would bless its aggression. This explains the latest Eritrean gambit about the so-called damage it had inflicted on Ethiopian forces. It is meant to increase pressure on Ethiopia to stop its attempt to liberate its land still under Eritrean occupation. Ethiopia has always been second to none in its respect for international law and for civilized behaviour among nations. Its due respect for the Security Council is also part of this tradition. The trust and faith that the Ethiopian people have in the United Nations have very much been undermined over the past few months. We hope and pray that this trend will be reversed and the confidence that the Ethiopian people have in the United Nations will not be considered by them as naive and misplaced, and that it will rather be renewed and revitalized. This is a great challenge we all face. I have no doubt justice will eventually prevail.